

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**CARLEAN DATES**

**Plaintiff,**

**v.**

**HSBC BANK USA, N.A. et al.,**

**Defendants.**

**Case No. 1:19-cv-446  
JUDGE DOUGLAS R. COLE  
Magistrate Judge Litkovitz**

**ORDER**

This cause comes before the Court on the Objection of Plaintiff Carlean Dates (“Dates”) (Doc. 18) to the Magistrate Judge’s July 2, 2020 Report and Recommendation (“R&R”) (Doc. 17). That R&R, in turn, is reviewing an appeal from a May 22, 2019 bankruptcy court order (the “Bankruptcy Order”) in adversary proceeding No. 1:19-ap-01011 in Bankruptcy Case No. 1:18-bk-14602. In the Bankruptcy Order, the bankruptcy court granted the motion to dismiss of defendant the HSBC Bank USA, N.A. as Trustee. In the R&R, the Magistrate Judge recommends: (1) that the Court deny oral argument to Dates on her appeal; and (2) that the Court affirm the bankruptcy court’s May 22, 2019 Order.

The instant case is related to Case No. 1:19-cv-445, in which Dates challenges a virtually identical R&R, which was issued the same day, reviewing the same Bankruptcy Order, in the same adversary proceeding, but as to a different defendant—the Law Offices of John D. Clunk Co. LPA (“Clunk Co.”)—who the Bankruptcy Order also dismissed. The only difference between the R&R in Case No.

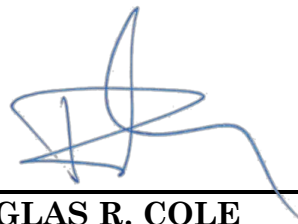
1:19-cv-445 and the R&R in the present case, is that the R&R in the other case included one section directed at Clunk Co.'s failure to file a brief in opposition to Dates' appeal of the Bankruptcy Order. Other than that, the two R&Rs are virtually word-for-word identical. Likewise, the Objection that Dates filed in this matter is identical to the Objection that she filed in Case No. 1:19-cv-445.

On December 10, 2020, the Court issued an Opinion and Order denying Dates' Objection and adopting the R&R in that case. The reasoning in that Opinion and Order applies equally to Dates' Objection to the instant R&R. In the interests of efficiency, rather than repeat the analysis, the Court adopts that Opinion and Order in this case. For the reasons set forth in that Opinion and Order, the Court **OVERRULES** Dates' Objection (Doc. 18), **ADOPTS** the R&R (Doc. 17), and thereby **DENIES** Dates' request for oral argument and **AFFIRMS** the bankruptcy court's May 22, 2019 Order **DISMISSING HSBC WITH PREJUDICE**. The Court further **ORDERS** the Clerk to **TERMINATE** this case on the Court's docket.

**SO ORDERED.**

December 11, 2020

**DATE**

A handwritten signature in blue ink, appearing to read 'Douglas R. Cole', is written over a horizontal line.

**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**